

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (LODGING) NO.495 OF 2005

The Merryland Co-operative
Housing Society Limited

Petitioners

versus

MHADA and others

Respondents

Yadunath Chaudhary for petitioners.

Ms.P.A.Purandare for respondent no.1.

Ms.Geeta Shastri, AGP for respondent no.2.

Abhay Patki for respondent no.3.

CORAM : H.L.GOKHALE AND
S.C.DHARMADHIKARI, JJ.

DATE : 24th March 2005

PC :

1. Heard Mr.Chaudhary in support of this petition, Ms.Shastri - AGP for respondent no.1, Ms.Purandare for respondent no.2 and Mr.Patki for respondent no.3. The petitioner housing society is making a grievance with respect to the raising of height of the hutments which are situated between the compound wall of the society and adjoining hill. From a map annexed to the reply of the Deputy Engineer, Mumbai Slum Improvement

Board, it appears that there is one row of hutments between petitioners' building and the hill for which the Valmiki-Ambedkar Housing Scheme for improvement of these slums is being implemented. As a part of this improvement scheme, the hutments are being permitted to raise height to 14 feet and that is affecting privacy of the residents of the petitioner society.

2. After the matter was adjourned on the last date Mr. Chaudhary has taken instructions. He states that as per the map it is seen that this row of hutments is between the petitioner society as well as one Venus Society and Himalaya Society and the Hill. He states that the petitioner along with these two societies will approach the Corporation to hand over this parcel of land on which these hutments are situated to them by vacating those hutments. The Corporation may either sell the land or give it on lease or on some appropriate scheme of beautification. That is a matter of arrangement to be arrived at between the Corporation and these societies. The present occupants over there will have to be shifted to some other places. Perhaps they could be shifted behind Kakad Industrial Estate and Anandshram Building which houses Municipal

Employees. That is an aspect which is to be considered by the Municipal Corporation. Ms.Purandare states that in any such effort various authorities of State Government must co-operate with Municipal authorities.

3. We have already passed an ad-interim order in the mean while restraining the raising of the height of these hutments. That order will continue until any such representation by the petitioner along with other societies is examined and decided by the Municipal Corporation as well as State authorities. We make it clear that while vacating this strip of land and handing over to the petitioner and the other adjoining societies, the Municipal as well as State authorities must see that the occupants over there should be rehabilitated provided of course they are eligible. Petition disposed of.

(H.L.GOKHALE, J.)

(S.C.DHARMADHIKARI, J.)